

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
NICOLA TAVOLONI,

Plaintiff,

- against -

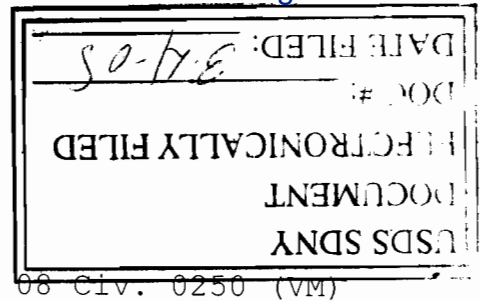
FIRST UNUM LIFE INSURANCE CO.,  
et al.,

Defendants.  
-----X

**VICTOR MARRERO, United States District Judge.**

Counsel for defendants, on behalf of the parties, having notified the Court, by letter dated March 4, 2008, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, and do not object to the issuance of this Order, it is hereby

**ORDERED**, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity



08 Civ. 0250 (VM)

**CONDITIONAL**  
**ORDER OF DISCONTINUANCE**

of additional process, on a date within thirty days of the plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court schedule in this action are cancelled but shall be rescheduled for as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

The Clerk of Court is directed to close this case.

**SO ORDERED.**

Dated: NEW YORK, NEW YORK  
4 March 2008

A handwritten signature in black ink, appearing to read 'V. Marrero', is written over a horizontal line.

VICTOR MARRERO  
U.S.D.J.

**McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP**  
ATTORNEYS AT LAW

1300 MOUNT KEMBLE AVENUE  
P O. BOX 2075  
MORRISTOWN, NEW JERSEY 07962-2075  
(973) 993-8100  
FACSIMILE (973) 425-0161

CHRISTOPHER B. BLADEL  
Direct Dial: (973) 425-4173  
cbladel@mdmc-law.com

March 4, 2008

**VIA FACSIMILE**

Hon. Victor Marrero, U.S.D.J.  
United States District Court  
Southern District of New Jersey  
United States Courthouse  
500 Pearl St., Room 660  
New York, NY 10007

**RE: Nicola Tavoloni v. First Unum Life Insurance Company, UnumProvident  
Civil Action No.: 08-cv-0250  
MDMC File No. U4335-1301**

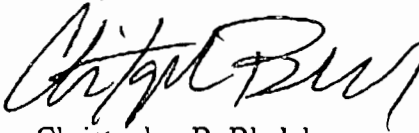
Dear Judge Marrero:

Please be advised that our office represents defendant, First Unum Life Insurance Company and UnumProvident, in connection with the above matter. Pursuant to my conversation with your law clerk this morning, this letter acknowledges that the parties have settled the above matter and the court may remove this case from its calendar.

Thank you for your kind courtesy and cooperation in this regard.

Very truly yours,

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP



Christopher B. Bladel

CBB/kas

cc: Christopher Foley, Esq. (via facsimile only)